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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,602	06/20/2007	Tae Hong Kim	05-507-B	8802
20306 7590 12/15/2009 MCDONNELL BOEHNNEN HULBERT & BERGHOFF LLP 300 S. WACKER DRIVE 32ND FLOOR CHICAGO, IL 60606				
EXAMINER				
PARK, JUNG H				
ART UNIT		PAPER NUMBER		
2465				
MAIL DATE		DELIVERY MODE		
12/15/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/585,602

Applicant(s)

KIM, TAE HONG

Examiner

JUNG PARK

Art Unit

2465

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1 and 2 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 11 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date _____

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Republic of Korea on 01/15/2004. It is noted, however, that applicant has not filed a certified copy of the 10-2004-0002973 application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims provide limitation for operation in accordance with "CDMA2000", which makes the claims indefinite because such standard is subject to being changed. With further regard to claims 1 and 2, reliance on a commonly known standard such as "CDMA200" as claimed is considered to be an obvious design choice by the artisan.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shabtay et al. (US 7197008, "Shabtay") in view of Liljestrand et al. (US 2001/0038689, "Liljestrand").

Regarding claim 1, Shabtay discloses an apparatus for dualizing an Asynchronous Transfer Mode (ATM) router in a CDMA2000 system, the apparatus comprising:

- a first ADSL Subscriber Physical board Assembly (ASPA) board (CPU in a first module, see 190 fig.10 and col.15, ln.2-8) and;
- a second ASPA board (CPU in a second module among a number of modules, see col.15, ln.4);
- wherein the first ASPA board comprises a first disk-on-chip for storing configuration and operation information (non volatile memory for storing configuration and network related parameters, see 192 fig.10 and col.14, ln.63-66); a first memory for storing an executable format of an object associated with the configuration and operation information (a flash memory for program code and RAM, see 194 & 196 fig.10 and col.14, ln.65-67); a first dualized processor for transmitting the configuration and operation information (a network processor, see 200 fig.10) to the second ASPA board or receiving the configuration and operation information from the second ASPA board (a second network processor, see 186 fig.10); and a first operation and maintenance processor (a processor for OAM, see 210 fig.10 and col.15, ln.21-22) for storing the configuration and operation information in the first disk-on-chip (non volatile memory for storing configuration and network related parameters, see 192 fig.10 and col.14, ln.63-66) and generating an object executable on the memory (operative to execute software, see col.4, ln.28; a flash memory for program code and RAM, see 194 & 196 fig.10 and col.14, ln.65-67) from the information stored in the first disk-on-chip (non volatile memory for storing configuration and network related parameters, see 192 fig.10 and col.14, ln.63-66); and

- wherein the second ASPA board comprises a second disk-on-chip for storing configuration and operation information; a second memory for storing an executable format of an object associated with the configuration and operation information; a second dualized processor for transmitting the configuration and operation information to the first ASPA board or receiving the configuration and operation information from the first ASPA board; and a second operation and maintenance processor for storing the configuration and operation information in the second disk-on-chip and generating an object executable on the memory from the information stored in the second disk-on-chip (each module contains a CPU, volatile and non volatile memory, see col.15, ln.2-8; the second ASPA board has same function as the first ASPA).

Shabtay is silent on the cited limitation "using File Transfer Protocol (FTP)" for communication between the two ASPA boards. However, Liljestrand discloses that one of standard tools such as FTP is used for management of maintenance functionality for OAM (see ¶.63). FTP is a standard network protocol used to exchange and manipulate files. FTP is also often used as an application component to automatically transfer files for program internal functions. Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to apply the method of applying FTP protocol for managing OAM function taught by Liljestrand into OAM protocol in system of Shabtay. The motivation is to use standard tool (Liljestrand, ¶.63) and to automatically transfer files for program internal functions.

Allowable Subject Matter

6. Claim 2 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112 2nd, set forth in this Office action.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung Park whose telephone number is 571-272-8565. The examiner can normally be reached on Mon-Fri during 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jung Park/

Examiner, Art Unit 2465

/John Pezzlo/

Primary Examiner, Art Unit 2465